

REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

In the present Response,

Claims 1-18 and 40-47 are cancelled.

Claims 28-31 and 34-39 are withdrawn.

As a result, claims 19-27 and 32-33 are currently pending and under consideration.

In the Office Action, the applicants were required to elect one of the following invention groups:

- I. Claims 19-39, drawn to a method for automatically determining whether a sample liquid to be tested in an optical measuring instrument is a test sample or a control sample by measuring a special property of the control sample, classified in class 436, subclass 164.
- II. Claim 40, drawn to a method for automatically determining whether a sample liquid to be tested in an electrochemical measuring instrument is a test sample or a control sample, wherein the control sample is provided with an electrolyte which increases the conductivity of the control sample in comparison to the conductivity of a test sample, classified in class 436, subclass 149.
- III. Claim 41, drawn to a method for automatically determining whether a sample liquid to be tested in an electrochemical measuring instrument is a test sample or a control sample, wherein the electrochemical measurement includes measuring the time required for the sample liquid to reach its end value and the constancy of the end value, classified in class 436, subclass 149.
- IV. Claims 42-44, drawn to a method for automatically determining whether a sample liquid to be tested in a generic measuring instrument is a test sample or a control sample, wherein a control sample has a different flow characteristic than found in a test sample, classified in class 436, subclass 8.
- V. Claims 45-47, drawn to a method for automatically determining whether a sample

liquid to be tested in a generic measuring instrument is a test sample or a control sample, wherein a measurement of a wetting property of a sample liquid determines whether the sample liquid is a test sample or a control sample classified in class 436, subclass 8.

In item 13 of the Office Action, the applicants were required to elect one of the following species:

- A) claims 20, 23-27 and 33 where the special property of the control sample is an optical property
- B) claims 28, 34 where the special property of the control sample is a flow property
- C) claims 29, 35 where the special property of the control sample is a wetting property
- D) claims 30, 36, 38, and 39 where the special property of the control sample is the time required for the sample liquid to reach its end value
- E) claims 31, 37 where the special property of the control sample is the stability of the end value

In response to the restriction requirement, the Applicants hereby elect, without traverse, the Group I invention (claims 20, 23-27 and 33, drawn to a method for automatically determining whether a sample liquid to be tested in an optical measuring instrument is a test sample or a control sample by measuring a special property of the control sample for prosecution. Applicants have canceled the claims to Groups II-V.

In addition, the Applicants hereby elect, without traverse, Species A (claims 20, 23-27 and 33 where the special property of the control sample is an optical property). Applicants have withdrawn the claims to Species B-E.

As noted in the Office Action, pending claims 19, 21-22 and 32 are generic.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance, and the Examiner is requested to pass the case to issue. If the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the applicants' undersigned representative by telephone.

Respectfully submitted,

By /Douglas G. Gallagher, Reg. No. 57783/
Douglas G. Gallagher, Reg. No. 57,783
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
Telephone (317) 634-3456 Fax (317) 637-7561
Email: dgallagher@uspatent.com